REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-18 and 20-48 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims as well as indicating that claims 7-9 contain allowable subject matter.

Claims 7-9 have been indicated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 7 has been so written but with additional amendments. Claims 8-9 depend from claim 7, and are allowable for the same reasons as claim 7, without regard to the further patentable features contained therein.

Rejection of claims 1-6, 10-19, 25-26, 28-33, 35-43, and 45-47 based on Tsunoda

Claims 1-6, 11-12, 14-19, 25-26, 28-33, 35-43, and 45-47 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent 5,582,239 ("Tsunoda"). Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda. For at least the following reasons, these rejections are traversed.

Claim 1 (as amended) recites, among other things, a heat exchanging apparatus comprising: at least one first collecting and/or distributing device for at least one liquid medium and a plurality of throughflow devices. The collecting and/or distributing device comprises at least one base device, one cover device and one separating device which divides the collecting and/or distributing device into at least two partial spaces. The base device comprises a support level with openings through which the plurality of throughflow devices protrude, a predefined plane of the base device situated above the support level so as to protrude more inward with respect to the collecting and/or distributing device, and at least one projection which protrudes inward with respect to the collecting and/or distributing device from the predefined plane of the base device. At least one section of the separating device is in at least indirect contact with at least one side face of the projection and with at least one section of the plane of the base device. Tsunoda does not teach or suggest this combination of features.

For instance, Tsunoda does not teach or suggest a base device comprising a support level with openings through which the plurality of throughflow devices protrude, a predefined plane of the base device situated above the support level so as to protrude more inward with respect to the collecting and/or distributing device, and at least one projection which protrudes inward with respect to the collecting and/or distributing device from the predefined plane of the base device. Tsunoda merely discloses concave surfaces 62 and 63 that extend below the bottom wall 21b of the upper tank 21 (Figs. 5 and 9 of Tsunoda), and these concave surfaces are not situated above the bottom wall 21b. Thus, Tsunoda does not teach or suggest all the features of claim 1.

Claim 37 (as amended) recites, among other things, a method for producing a heat exchanging apparatus comprising the following method steps: producing a base device, wherein the base device comprises a support level with openings, a predefined plane of the base device situated above the support level, and at least one projection which protrudes upward from the predefined plane of the base device; applying at least one connecting medium to at least one side face of the projection, and to at least one section, which adjoins the at least one side face of the projection, of the base device; and arranging a separating device on the base device, the separating device being in at least indirect contact with the base device and the at least one side face of the projection. Tsunoda does not teach or suggest this combination of features.

For instance, Tsunoda does not teach or suggest a base device comprising a support level with openings, a predefined plane of the base device situated above the support level, and at least one projection which protrudes upward from the predefined plane of the base device. Tsunoda merely discloses concave surfaces 62 and 63 that extend below the bottom wall 21b of the upper tank 21 (Figs. 5 and 9 of Tsunoda), and these concave surfaces are not situated above the bottom wall 21b. Thus, Tsunoda does not teach or suggest all the features of claim 37.

Claims 2-6, 10-18, 25-26, 28-33, 35-36, 38-43, and 45-47 depend from and contain all the features of claim 1 or claim 37, and are allowable for the same reasons indicated above, without regard to the further patentable features contained therein.

Claim 19 has been canceled, which renders the rejection of this claim moot.

For at least these reasons, favorable reconsideration of the rejections is respectfully requested.

Rejection of claims 20-24, 27, and 44 based on Tsunoda and EP '517

Claims 20-24, 27, and 44 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsunoda and EP 0656517 ("EP '517"). Claims 20-24, 27, and 44 depend from and contain all the features of either claim 1 or claim 37. As previously mentioned, Tsunoda does not teach or suggest a base device comprising a support level with openings through which the plurality of throughflow devices protrude, a predefined plane of the base device situated above the support level so as to protrude more inward with respect to the collecting and/or distributing device, and at least one projection which protrudes inward with respect to the collecting and/or distributing device from the predefined plane of the base device (as recited in claim 1) or producing a base device, wherein the base device comprises a support level with openings, a predefined plane of the base device situated above the support level, and at least one projection which protrudes upward from the predefined plane of the base device (as recited in claim 37). EP '517 does not cure these deficiencies. Thus, claims 1 and 37 and their respective dependent claims 20-24, 27, and 44 are allowable over any combination of Tsunoda and EP '517. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claim 34 based on Tsunoda and Nagasaka

Claim 34 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsunoda and U.S. Patent 5,236,044 ("Nagasaka"). Claim 34 depends from and contains all the features of claim 1. As previously mentioned, Tsunoda does not teach or suggest a base device comprising a support level with openings through which the plurality of throughflow devices protrude, a predefined plane of the base device situated above the support level so as to protrude more inward with respect to the collecting and/or distributing device, and at least one projection which protrudes inward with respect to the collecting and/or distributing device from the predefined plane of the base device (as recited in claim 1). Nagasaka does not cure these deficiencies. Thus, claim 1 and its dependent claims 34 are allowable over any combination of Tsunoda and Nagasaka. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Claim objections

Claims 8-9, 20-24, and 39-47 are objected to for various informalities. Claims 8-9, 20-24, and 39-47 have been corrected to address these informalities. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Abstract

The Abstract is objected to because the text "the invention relates to," "comprises," and "comprising" should be removed. The Abstract has been amended to remove these phrases. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Allowability of claim 48

New claim 48 recites, among other things, a heat exchanging apparatus for a motor vehicle, comprising: at least one first collecting and/or distributing device for at least one liquid medium; and a plurality of throughflow devices. The collecting and/or distributing device comprises at least one base device, one cover device and one separating device which divides the collecting and/or distributing device into at least two partial spaces. The base device has at least one projection which protrudes inward with respect to the collecting and/or distributing device from a predefined plane of the base device. At least one section of the separating device is in at least indirect contact with at least one side face of the projection and with at least one section of the plane of the base device. Each throughflow device has a substantially flat-tube-like form with a first flow chamber, a second flow chamber, and a narrowed region between the first and second flow chambers in which the first and second flow chambers and the narrow region protrude into the base device. None of the cited prior art teaches or suggests this combination of features.

For instance, Tsunoda does not teach or suggest a throughflow device having a substantially flat-tube-like form with a first flow chamber, a second flow chamber, and a narrowed region between the first and second flow chambers in which the first and second flow chambers and the narrow region protrude into the base device. Indeed, Tsunoda merely discloses round tubes 24. Neither EP '517 nor Nagasaka cures this deficiency of Tsunoda. Thus, claim 48 is allowable over the prior art.

Allowance of claim 48 is respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/16/2008

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